

REMARKS

These remarks are directed to the office action mailed August 14, 2008, setting a three month shortened statutory period for response set to expire on November 14, 2008. The office action issued by the Examiner and the citations referred to in the office action have been carefully considered.

Prompt reconsideration is requested in view of the following remarks. Claims 32 and 35-39 are pending.

Claim Rejections under 35 USC § 103

Claims 32, 35-39 have been rejected under 35 USC §103(a) as being unpatentable over the combined teachings of Meyer et al. (U.S. Pat. No. 4,738,257) and Balinth (U.S. Pat. No. 4,335,026).

On page 5, second paragraph of the August 14, 2008 office action, the Examiner states that though Meyer does not explicitly teach EPDM, it would have been obvious to take the elastomeric phase comprising PIB and dicyclopentadiene (DCPD) as disclosed by Meyer, and replace the DCPD with the EPDM as disclosed by Balinth. Applicant respectfully submits that this is improper reasoning.

The only place in Meyer that discusses DCPD, column 6, lines 53-58, clearly describes the usage of DCPD as “a **tackifier** resin for improving dry tack for the barrier layer.” In column 2, lines 9-15, Balinth teaches a composition consisting of an olefin terpolymer (EPDM), a solid **tackifier**, and some other components (i.e. natural rubber, liquid plasticizer, reinforcing filler, and stabilizer). The fact that Balinth teaches a solid tackifier in addition to EPDM indicates that EPDM is not the solid tackifier. Nowhere in Balinth does it mention DCPD. Thus the only two logical conclusions that may be made by combining Meyer with Balinth is: 1) a composition consisting of EPDM, DCPD (acting as a tackifier), and the other components; or 2) a composition comprising PIB and a tackifier (substituting for DCPD). **Therefore, the conclusion**

that combining Meyer and Balinth yields a composition comprising EPDM and PIB is not valid, as such is achieved only by improper hindsight reasoning with Applicant's teachings.

In paragraph [0011] of the specification, Applicant discloses that combining PIB with tackifiers is commonly found in the art. For example, U.S. Pat. No. 4,551,490 describes PIB blends having butyl rubber and styrenic block copolymer adhesive containing rosin tackifiers and U.S. Pat. No. 5,492,943 describes blends of high molecular weight PIB and styrene butyldiene block copolymer, tackifier and plasticizing oil. However, continuing in paragraph [0012], "these compositions all contained organic ingredients which were more chemically reactive than PIB, and therefore less useful in a physiological system, as the skin of users was more likely to be irritated by the chemicals added to the PIB." As presented in claim 32, Applicant explicitly teaches a composition comprising EPDM and PIB, but does not require tackifiers.

Applicant submits that the combination of EPDM and PIB yields a compound that possesses unexpected properties and is therefore not taught or suggested by Meyer or Balinth. Applicant describes in paragraph [0009] and [0010] of the specification that the disadvantage of a hydrocolloid composition comprising only PIB, such as the composition described in U.S. Pat. No. 3,339,546, was that it had low integrity when it absorbed a great amount of fluid. U.S. Pat. No. 4,166,051 describes a PIB composition having butyl rubber added as an integrity enhancer. However, **the total absorbency of the composition compared to only PIB was reduced**. This was a predictable result since both PIB and butyl rubber are **hydrophobic** polymers.

The expected property of a composition comprising PIB and another hydrophobic polymer, EPDM, would also be a reduced total absorbency. However, as evidenced in TABLE 2 of Applicant's specification, the EPDM based hydrocolloid compositions as taught by Applicant (examples 8-11) **maintained high absorption** while obtaining enhanced integrity. None of the cited references explicitly suggest or teach the combination of EPDM and PIB because the advantage of a maintained high absorption was not to be expected. Therefore, Applicant respectfully submits that independent claim 32 and the claims dependent therefrom are not obvious and are patentable under 35 USC §103.

Conclusion

In view of the above, it is respectfully submitted that this application is now in good order for allowance, and such early action is respectfully solicited. Should matters remain, which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone Applicant's undersigned attorney.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 070377-010200 is referred to when charging any payments or credits for this case.

Respectfully submitted,

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